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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,497	01/09/2002	James Irwin Knutson	AUS920010771US1	6741

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11/20/2003

Robert V. Wilder
Attorney at Law
4235 Kingsburg Drive
Round Rock, TX 78681

EXAMINER

NGUYEN, THU V

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,497

Applicant(s)

KNUTSON, JAMES IRWIN

Examiner

Thu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 22-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

The response to the election requirement filed on October 1, 2003 has been entered. By this response, combination group I claims 1-3, 6-21 have been elected with traversed and claims 1-29 are now pending in the application. It is noted that claims 12-13 are also linking claims to the embodiment group II. The Examiner would like to correct the claims that should be included in group I as claims 1-1-3, 6-11, 14-21 herein. Claims rejections on embodiment group I as followed:

Claim Objections

1. Claims 1 and 9 are objected to because of the following informalities:
 - a. In claim 1, line 8, the claimed "mapping database" should be corrected to "map database" to be consistent with the "map database" in line 6.
 - b. Claim 9, line 12 is similarly objected as in claim 1 above.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dekock et al (US 2002/0193938).

As per claim 1, 3, Dekock teaches a method of mapping a travel route based on end point input and traffic conditions. The method comprise: receiving traffic information (para 0073); storing the traffic information in a map database which also includes static route information (para 0074); accessing the mapping database to determine a travel route (0071). Dekock does not explicitly teach receiving starting point and destination. However, Dekock teaches the capability to determine the best route between the starting point and the destination point (para 0071), further, inputting starting point and destination point to the navigation device would have been known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the user to input the starting point and the destination point to the navigation device of Dekock in order to provide the user the best route navigation as desired by the user.

As per claim 2, Dekock teaches the capability of indicate frequency of traffic information (para 0088). Further, monitoring the frequency at which the receiver is capable of receiving traffic information would have been known.

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As per claim 4-5, Dekock teaches storing updated traffic information relevant to a current route. Further automatically recalculating traffic change when a traffic change is detected would have been well known.

As per claims 6-8, Dekock teaches selecting travel route based on optimal time and outputting the route to a user in a visual display (para 0071; 0082). Further, allowing the user to select time or distance preferences, and outputting the route audibly would have been well known.

As per claim 9-21, refer to claims 1-8 above.

Cited Prior Arts

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Kozak et al (US 2003/0195694) teaches that determining fastest route based on the current traffic information; allowing the user to input current location and destination location and outputting the optimal route audibly would have been well known (para 0002).
 - b. Hubschneider et al (US 2002/0091486) teaches the capability of triggering an automatic calculation of route based on current traffic information (para 0014).

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Any response to this action should be mailed to:

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or faxed to:

(703) 305-7687, (for formal communications intended for entry)

Or:

(703) 305-7687 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive,
Arlington, VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner
should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner
can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone number for
this Group is (703)305-7687 .

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703)308-1111.



**THU V. NGUYEN
PRIMARY EXAMINER**

November 17, 2003